



3724
#3 / election
Docket No. 15-XD-5475

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

aw 10/08/02

PATENT APPLICATION OF:

Marek et al.

SERIAL NO.: 09/691,368 ✓

FILED: 10/18/00

FOR: Apparatus and Method For Glass
Separation For Flat Panel Displays

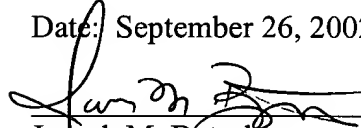
ART UNIT: 3724

EXAMINER: Flores Sanchez, Omar

CERTIFICATE OF MAILING

I hereby certify that on the date indicated
below this correspondence is being deposited
with the United States Postal Service as first
class mail in an envelope addressed to
Commissioner for Patents, Washington, D.C.
20231

Date: September 26, 2002


Joseph M. Butscher
Reg. No. 48,326

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper responds to the Office Action in the above-entitled application, mailed
September 17, 2002, and allowing one month for a response. This response is timely
because it is being filed within the period set for response.

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ELECTION

The Examiner stated that restriction to one of the following inventions is required
under 35 U.S.C. 121:

- I. Claims 1-7, drawn to a separating device, classified in class 83,
subclass 861.

- II. Claims 8-16, drawn to a method of scoring, classified in class 83, subclass 880.

The Applicants provisionally elect *with traverse* the invention of category I, namely, claims 1-7, drawn to a separating device, classified in class 83, subclass 861. The Applicants request that the Examiner reconsider this restriction requirement and withdraw it for the reasons discussed below.

TRAVERSAL

The restriction requirement is respectfully traversed because “if the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to distinct or independent inventions.” MPEP Section 803. One of the “two criteria for a proper requirement for restriction between patentably distinct inventions” is that “[t]here must be a serious burden on the examiner if restriction is not required...” MPEP Section 803. While “[f]or purposes of the initial requirement a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search... [t]hat prima facie showing may be rebutted by appropriate showings or evidence by the applicant.” MPEP Section 803.

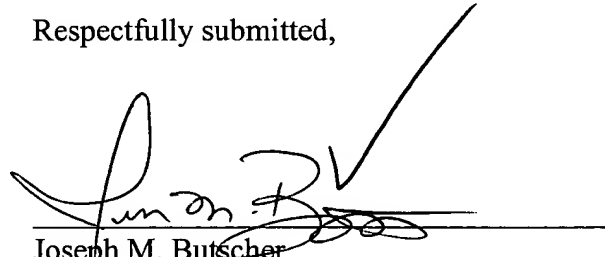
Next, the Applicants respectfully submit that the search and examination of all of the pending claims can be made without serious burden to the Examiner. The Applicants doubt that searches for these inventions are substantially different. In fact, a search for one category will most likely be sufficient for both categories. That is, prior art uncovered regarding a separating device for separating edge portions from a glass panel (including the limitations of the present claims) will most likely be the same as prior art regarding a method for separating edge portions of a glass panel (including the limitations of the present

claims), if relevant prior art exists. Further, the Categories are so closely related as to be in the same class of invention, namely, class 83. Thus, the Applicants respectfully submit that the Examiner can search both invention categories without serious burden.

CONCLUSION

As discussed above, the Applicants respectfully submit that the present restriction requirement is improper because the search and examination of the claims of the application can be made without serious burden. Therefore, the Applicants respectfully request the Examiner to withdraw the restriction requirement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph M. Butscher", is written over a horizontal line. A large checkmark is drawn to the right of the signature.

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Dated: September 26, 2002

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